

Education Services

Youth in custody may encounter numerous barriers to school success. They may deal with the emotional consequences of leaving their homes and communities, separation from siblings, moving from home to home, and having state agencies and the court system involved in all aspects of their lives.

When children change schools, educational records frequently may not follow in a timely fashion. Children and youth may fall behind academically, cognitively, and socially. They are often behind on credits and do not complete courses.

By working together, schools, DCFS, and JJS can understand the unique situations and experiences of children in care and focus more on the educational needs and outcomes of the children and youth they serve.



Youth in Custody Programs

What is the Youth in Custody (YIC) Program?

The Utah Youth in Custody Program provides education to children in the custody of the Division of Child and Family Services (DCFS), Division of Juvenile Justice (JJS), or in a juvenile detention facility.

The funding is appropriated to individual school districts that provide education programs for youth from kindergarten to 12th grade.

Do all school districts and charter schools receive YIC funds to provide additional services for children in care?

No. School districts or charter schools must apply for YIC funds and the funds are allocated based on the number of YIC students in the district. School districts or charter schools may subcontract with local non-district educational service providers for the provision of educational services.

What are the educational placement options for children in care who attend school districts with YIC programs?

There is a continuum of educational placements available to children in care. Appropriate placements are tailored to the needs of the child.

Where are the youth in custody programs located?

See Appendix C for a list of YIC programs, contact names, numbers, and locations.

Are children placed with a relative eligible to participate in YIC programs?

It depends on the type of placement. If DCFS has custody of a child placed in a preliminary placement or in the home of a kinship caregiver who is a licensed foster parent, the children are eligible for Youth in Custody education services.

A child placed with a kinship caregiver who has legal custody of the child is **not** eligible for participation in YIC programs.



If the school is unsure whether the child is eligible to participate in YIC programs, they should contact the caseworker. If the child is initially eligible to participate in YIC programs, the caseworker should keep educational staff informed of changes in the custody status of the child.

Enrollment

How is a youth enrolled in a new school?

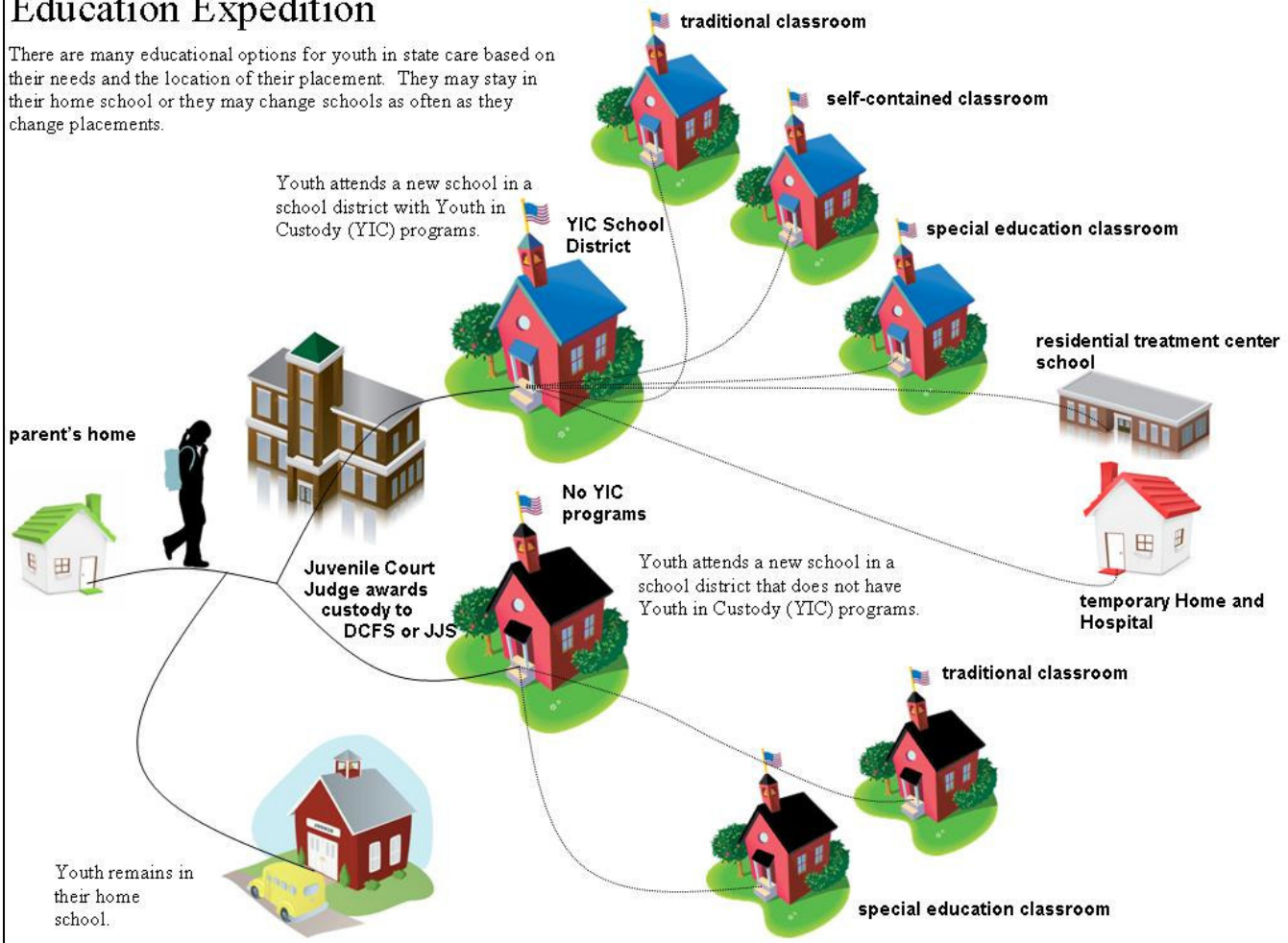
When a child in state custody must transfer to a different school, the caseworker contacts the YIC program in the receiving district (if one exists) and fills out necessary forms, including fee waivers.



The receiving school has the responsibility to request educational records, including special education records, from the former school **within 5 days**. It is important that special education records are specifically requested for students to ensure that students with disabilities are identified and served as per their IEP. If not specifically requested, special education records may not be transmitted to the receiving school as they are generally kept in a separate location than other general education records.

Education Expedition

There are many educational options for youth in state care based on their needs and the location of their placement. They may stay in their home school or they may change schools as often as they change placements.



Can a student remain in their home school after removal from their home or after changing foster placements?

Yes. If a child can safely remain in their home school, caseworkers should make every effort to keep them there.

The DCFS Child and Family Team determines whether the child would be in danger if the child remains at the school of origin, or if the school can provide adequate safety measures to protect the child. Caseworkers may consider “no contact” or “protective” orders against the parent or caregiver from which the child was removed.

Ideally, if transportation and other issues can be addressed, a child should remain in their home school in order to allow consistency in their education.

If a foster child is enrolled in school and it becomes necessary for the child to move to a new foster home (outside school boundaries) during the course of the school year, the child should be allowed to remain at the school they were attending.



Prior to removing a child from their school, caseworkers should coordinate with the school to assess what impact moving schools will have on the child. Caseworkers should make every effort to cause the least disruption with the child's education (e.g., waiting until the end of a semester or year to move a child from the school).



The school should be aware that although a child is removed from their home, the child is not required to withdraw from their home school, even if they are placed in a living situation outside the boundaries of the school or district.

What records are needed to enroll a child in school?

- The student must be accompanied by a parent or guardian (proof required).
- A completed and signed copy of the YIC/DHS Intake Form (only for YIC school districts).
- Student birth certificate.
- Student immunization record.
- Student Educational Program (SEP)/Student Educational Occupational Plan (SEOP).
- Name and location of the most recent school attended.
- All pertinent educational records, including:
 - Transcripts
 - Psychological profiles
 - Special education records, including:
 - Eligibility Determination and Evaluation Summary Report
 - Individual Education Program (IEP)
 - Behavior Intervention Plan (BIP)
 - Consent for Initial Placement



Children awaiting foster care placement (eligible for McKinney-Vento) must be immediately enrolled in school even if they lack the records normally required for enrollment.

What happens if a child does not have some of the records necessary for enrolling in school?

This list above represents common criteria required at intake. If you have further questions about what is required to enroll a child in school, contact the school registrar.

What happens when a child cannot be immediately enrolled in school?

If a school district determines a child is a threat of harm to themselves or others, they may place them in a school placement referred to as Home and Hospital. This means the child receives face to face instruction which is limited to a few hours per week. The child remains on home and hospital until the school district determines an appropriate educational school placement.

If the child has an IEP; however, the new school district, in consultation with the parents (i.e., someone who meets the IDEA definition of a parent) is required to provide a free, appropriate public education (FAPE) to the student including services comparable to those in the IEP, until the new school district adopts the IEP or develops and implements a new IEP.

These placements include:

- Traditional mainstream classrooms, possibly with mentoring support.
- Self-contained Youth in Custody classrooms, where the child receives instruction tailored to their needs and educational progress.
- Residential treatment center or group home setting.
- Home and Hospital (see description above).



Placement, for students with disabilities eligible under IDEA, is determined by the IEP team, based on the student's IEP, rather than the YIC program. There is a continuum of placements for students with disabilities in addition to those described above including regular classes, regular classes with supplementary special education and related services, special classes, special schools, home instruction, and instruction in hospitals and institutions.

Are children who are awaiting foster care placement eligible for services under the McKinney-Vento Act?

Yes. Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services. This includes children in short-term, shelter facilities or homes. Children who are already in foster care, on the other hand, are not considered homeless.

Under McKinney Vento, local education agencies must comply with the following provisions:

- 1) Homeless student may not be segregated in a school or in a separate program within a school, based on the child's status as homeless.
- 2) The state and its local educational agencies must adopt policies and practices to ensure transportation is provided, at the request of the parent or guardian (or in the case of the unaccompanied child, the liaison) to and from the school of origin.
- 3) An educational agency must immediately enroll a homeless child in the school in which enrollment is sought, even if the child is unable to produce the records normally required for enrollment.
- 4) School placement decisions must be made on the basis of the best interest of the child including keeping the child in their school of origin.
- 5) Every educational agency must designate a local liaison for homeless children.

Who's Who?

Who decides where the youth goes to school?

Caseworkers should work with the Child and Family Team, as well as the school, to determine where child will go to school and ensure the child is receiving adequate educational services.

A youth in care may enroll in any charter or public school in any school district, including a district where the youth does not reside if enrollment is necessary as determined by DCFS (Utah Code 53A-2-2071).



Caseworkers should seek to keep the child in their home school when possible. When a child needs to change schools, the decision regarding the child's educational placement depends on the type of out-of-home placement and the receiving school district.

- **School districts with YIC programs:** The caseworker is required to contact the YIC coordinator for the district. The caseworker must complete the required intake forms for the YIC program.
- **School districts without YIC programs:** The caseworker must contact the individual school and complete required enrollment forms and coordinate with school personnel to refer the child to the appropriate school principal or staff member for assessment of educational needs.
- **Children with disabilities:** For a child with a disability under the Individuals with Disabilities Education Act (IDEA), placement is determined by the Individualized Education Program (IEP).

Who is responsible for attending school functions pertaining to a child in care?

Both the caseworker and the out-of-home caregiver should be invited to parent/teacher conferences, IEP meetings, special education meetings, disciplinary hearings, etc. and should attend these types of school functions to ensure they are appropriately informed on the educational needs of the child.

If both the caseworker and caregiver cannot be accommodated, educators should meet with the out-of-home caregiver, since they are responsible for ensuring the child's attendance and helping with their schoolwork. Educators should not assume the out-of-home caregiver will pass information to the caseworker.





Educators should check with caseworkers prior to making educational decisions for the child. For example, caseworkers should be included in discussions on changes to the IEP or if educators are considering placing the child in a new classroom. Educators, foster parents, and caseworkers should work together to decide what will be best for the child.

It may also be useful to invite other individuals involved in the case to attend school functions. If no court orders prohibit the parent/guardian from attending and if there are no safety concerns, they should be included in any school functions that discuss the child's academic progress.

Who has access to a child's educational records while they are in state custody?

DCFS/JJS Representative: As the legal custodian and/or guardian of the child, DCFS/JJS has the right to educational records and information regarding the child while the child is in state custody.

Out-of-Home Caregiver: As the daily caregiver of the child and a designee of DCFS/JJS, the out-of-home caregiver may have access to the child's educational records while the child is in their home. The out-of-home caregiver is responsible for ensuring the child's school attendance and helping with their schoolwork.



If there is a question regarding the out-of-home caregiver's right to access the educational records of a child in their care, the school should contact the caseworker to coordinate a release of the record to the out-of-home caregiver.

Parent/Guardian: If a child is in the care of the state of Utah, the parent/guardian should be treated as a non-custodial parent. This means under Family Educational Rights and Privacy (FERPA) laws, a parent/guardian has a right to review the educational record unless a school is presented with a court order that precludes the parent from accessing the student's records and states that parental rights have terminated.

If the parent/guardian requests the school provide them with the educational record, the school must comply with FERPA requirements. The school should coordinate with the caseworker prior to providing the records in order to determine whether a court order exists that limits the parent/guardian from access to the school record. If a court order exists, the caseworker should provide a copy of the court order to the school.

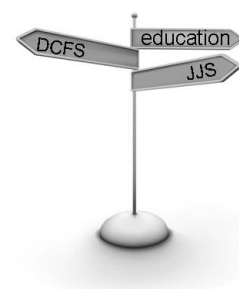


For students accessing special education services, the caseworker should be included as a participant in all meetings, but may not sign as a parent. The biological parent may still sign in many cases. When that is not possible or appropriate, the out-of-home caregiver serves as the parent, unless an educational surrogate parent is assigned (if no foster parent is available). Unless parental rights are terminated or if a judge has made a specific order denying the parent access to educational records, the parent/ guardian has the right to consent to evaluation and placement, and attend eligibility, IEP, and placement meetings as well as access special education records.

For Special Education purposes, when an educational surrogate parent is assigned by the School District to represent the child and sign as the parent on an IEP, they should be considered a member of the Child and Family Team and treated as such. The caseworker should have the educational surrogate parent sign the confidentiality agreement that is used when sharing information with any member of the Child and Family Team, and should share any information that would be pertinent to the educational surrogate parent in assisting them to make appropriate educational decisions for the child.

What is the school's responsibility when a DCFS or JJS worker calls for information about the student?

When a JJS case manager or a DCFS caseworker contacts the school for information, the school should request that the person seeking information provide verification of their identity prior to providing them with any information. Each caseworker has a state-issued identification they can provide upon request.



When the identification of a caseworker has been verified, the school should provide the information requested in a timely manner. The school should treat DCFS/JJS agents as they would any other custodial parent.

Who should the school district contact if a problem arises concerning the student's behavior or attendance?

Both the out-of-home caregiver and the caseworker need to be informed if there are concerns that arise regarding the child's behavior and attendance.



For concerns that require a meeting with school administration, both the caseworker and out-of-home caregiver should be informed of the meeting and be invited to attend.



It is essential that the school communicate with both the caseworker and the out-of-home caregiver so both are aware of the concerns.

If an emergency situation arises during school hours and the school needs an immediate response, the school should **first** attempt to contact the **out-of-home caregiver**. As soon as possible after the emergency situation has been remedied, both the school and the out-of-home caregiver should contact the **caseworker** and inform them of the nature of the situation and emergency.

Any educational concerns should be discussed during a DCFS Child and Family Team Meeting so team members may assist in making an assessment of the child's needs and any critical decisions to remedy behavior and attendance problems.

Educational staff may also contact the caseworker and request assistance in convening a DCFS Child and Family Team meeting at any time. The caseworker will coordinate with team members and make any necessary arrangements for the DCFS Child and Family Team meeting.

Who should the school contact in a medical emergency?

The school should first contact the out-of-home caregiver. As soon as possible, the caseworker should also be contacted.

Other

What is the school's obligation to keep a child's status confidential?

Educational staff have an obligation to keep a student's status confidential.

DCFS and JJS have strict guidelines that must be followed in order to protect the confidentiality of the children and families served. The requirements on confidentiality fall under the Government Records and Access Management Act (GRAMA). DCFS and JJS are restricted from sharing any information, including names and photos, which would allow others to identify the child and family as clients.



As a partner agency that serves children in the care of DCFS or JJS, educational staff have an obligation to keep a student's status as a "youth in custody" confidential to the extent possible and should implement procedures that allow them to do so. The information should only be shared on a **"need to know" basis**. For example, students should not be referred to as a "foster child" or "in state custody," especially around other school staff or students.

If a YIC staff member or a caseworker needs to meet with a child, special care should be taken to be discreet on how it is presented publicly.



Where possible, the child should be allowed to function as an ordinary student in the school setting.

How should a school handle absences due to custody-related activities?

If a child is absent due to a custody related activity, the absence should be treated as any other excused absence (e.g. court hearings).

What services are available for children in care who are behind in their school credits?

The Utah State Board of Education and school districts offer a myriad of services to students in need of credit recovery. Services include the Electronic High School, summer and after-school direct instruction programs, computer-based credit recovery, and independent study packets.

What post-secondary educational services are available to assist a child in care?

Post-secondary educational services are available for children who have been in foster care, and in some cases, children who have been adopted from foster care after the age of 13. There are specific criteria in order to qualify for funding. More information is available at the Just for Youth website <http://justforyouth.utah.gov/>.

If you want more information regarding the program, how much funding may be available, or the criteria to qualify, please contact the relevant agency:

- Educational Training Vouchers (ETV) – Utah Department of Workforce Services (DWS).
- Federal Pell Grants – Post-Secondary Educational agency (college, university, etc.)
- After-care Funds – Local DCFS office, Transition to Adult Living (TAL) coordinators for the region.
- Workforce Initiative Act (WIA) funds – Utah Department of Workforce Services.
- Scholarships for Foster Care Children – Several universities around Utah have made scholarships available for Children who are in foster care or emancipated from foster care. Contact the college or university for more details.

Can children in state care participate in extracurricular activities?

Yes! Children in custody can and should participate in extracurricular activities.

- **Obtain approval:** Requests for the child to participate in extracurricular activities should be directed to the caseworker and the Child and Family Team.
- **Fees:** Most fees required by the school for these activities should be waived.



If you have questions about a specific fee, consult the State Coordinator for the Youth in Custody program at the State Office of Education. Travis Cook (801) 538-7711
tcook@usoe.k12.ut.us.



If there is a fee that is not covered by the fee waiver or if the activity is not a school-related activity, the DCFS Child and Family Team will discuss the situation and come up with a plan for how to cover the fee.

Are children in state care eligible for free lunch?

Yes. Fees for school lunch should be waived for children in state care.

Is there an educational program that serves Native American children in care?

Title VII programs are provided for Indian children in the public school system, including children in the custody of the state. The specifics of Title VII programs vary, each school district determines how they want to administer and provide Title VII programs. Anyone interested in accessing Title VII programs should contact the school district and inquire if the district provides Title VII programs and how they can be accessed.